

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JOHN MESA,

Defendant.

CASE NO. 8:05CR350

MEMORANDUM AND ORDER

This matter is before the Court on the Defendant's pro se motion to amend his Judgment (Filing No. 81).

After carefully considering the motion and the underlying facts, the Court will deny the motion. The Judgment reflects the Court's recommendation for credit for time served from July 22, 2008, and the Court defers to the Bureau of Prison's calculation of credit for time served. *United States v. Pardue*, 363 F.3d 695, 697 (8th Cir. 2004) (citing 18 U.S.C. § 3585(b) for the proposition that the Bureau of Prisons has discretion to determine the amount of credit for time served).

IT IS ORDERED:

1. The Defendant's motion to amend his Judgment (Filing No. 81) is denied;
and
2. The Clerk is directed to mail a copy of this memorandum and order to the
Defendant at his last known address.

DATED this 3rd day of September, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge